

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA1
2
3 CHRISTOPHER JONES,

Plaintiff,

Case No. 3:23-cv-00024-ART-CLB

4 v.

5 NURSE HUNT, et al.,

6 Defendants.
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ORDER

I. DISCUSSION

On March 23, 2023, the Court entered a screening order permitting Plaintiff's Eighth Amendment claim for deliberate indifference to serious medical needs proceed against Defendants Dr. Hicks and Nurse Hunt. (ECF No. 4 at 6). The Court stayed the case for 90 days and referred the case to the Inmate Early Mediation Program. (*Id.* at 7).

A few days before the Court entered its screening order, Plaintiff filed a motion for preliminary injunction (ECF No. 3) and a day after the Court entered its screening order, Plaintiff submitted a motion for temporary restraining order (ECF No. 7). The motions seek injunctive relief to prevent prison officials from retaliation, harassment, non-treatment of injury or pain by medical personnel, and no "secluded legal aid." (ECF No. 3 at 3; ECF No. 7 at 3).

Injunctive relief, whether temporary or permanent, is an "extraordinary remedy, never awarded as of right." *Winter v. Natural Res. Defense Council*, 555 U.S. 7, 24 (2008). "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Am. Trucking Ass'n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter*, 555 U.S. at 20). Furthermore, under the Prison Litigation Reform Act ("PLRA"), preliminary injunctive relief must be "narrowly drawn," must "extend no further

1 than necessary to correct the harm,” and must be “the least intrusive means
2 necessary to correct the harm.” 18 U.S.C. § 3626(a)(2). “A court’s equitable power
3 lies only over the merits of the case or controversy before it. When a plaintiff seeks
4 injunctive relief based on claims not pled in the complaint, the court does not
5 have the authority to issue an injunction.” *Pac. Radiation Oncology, LLC v.*
6 *Queen's Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015).

7 The Court denies the motions for injunctive relief without prejudice.
8 Plaintiff’s motions are vague because he seems to generally request that prison
9 officials treat him when he is injured or in pain, not to retaliate against him, and
10 not to harass him. Plaintiff has not fully established his need for preliminary
11 relief because he has not explained how he is likely to suffer irreparable harm in
12 the absence of preliminary relief. I dismiss these motions without prejudice and
13 also note that Plaintiff may be able to resolve these issues during his inmate early
14 mediation, which is in the process of being scheduled.

15 The Court further reminds Plaintiff that, pursuant to the screening order
16 (ECF No. 4 at 7), this action is stayed for 90 days to allow Plaintiff and
17 Defendant(s) an opportunity to settle their dispute before the \$350.00 filing fee is
18 paid, an answer is filed, or the discovery process begins. During this 90-day stay
19 period and until the Court lifts the stay, no other pleadings or papers may be filed
20 in this case, and the parties may not engage in any discovery, nor are the parties
21 required to respond to any paper filed in violation of the stay unless specifically
22 ordered by the court to do so.

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1 **II. CONCLUSION**

2 It is therefore ordered that the motions for preliminary injunction and
3 temporary restraining order (ECF Nos. 3, 7) are denied without prejudice.

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5 DATED THIS 14th day of April 2023.

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9 ANNE R. TRAUM
10 UNITED STATES DISTRICT JUDGE

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